

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HASSAN N. OUBEID,

Plaintiff,

v.

Civil No. 12-13671

COMMISSIONER OF  
SOCIAL SECURITY,

DISTRICT JUDGE LAWRENCE P. ZATKOFF  
MAGISTRATE JUDGE CHARLES E. BINDER

Defendant.

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DEFENDANT**  
**COMMISSIONER'S MOTION FOR LEAVE TO FILE INSTANTER**  
**(Docs. 11, 15)**

This matter is before the undersigned Magistrate Judge pursuant to an Order of Reference filed August 20, 2012. (Doc. 3.). Plaintiff filed his motion for summary judgment on November 26, 2012 (Doc. 11) and Defendant sought and was granted several extensions of time in which to file its response and motion for summary judgment. (Docs. 13, 14.) On March 8, 2013, Defendant filed the instant motion for leave to file instanter and attached a proposed motion to remand and order remanding the case to the Commissioner under Sentence Four of 42 U.S.C. § 405(g). (Doc. 15, Exs. 1 and 2.) Defendant filed the motion instanter because although Defendant's motion for summary judgment was due, after extensions, on February 28, 2013, "[d]ue either to confusion arising from the division of labor between the Regional Office and the other office...or to a scheduling oversight within this Office, the Defendant did not meet that deadline." (Doc. 15 at 2.) Defense counsel indicates that "[p]rior to that due date, the Defendant determined that this matter should be remanded for further proceedings." (*Id.*) Plaintiff's motion for summary judgment sought, as an alternative ground for relief, remand to

the Commissioner (Doc. 11) and defense counsel indicated that Plaintiff's counsel "has no objection to this motion." (Doc. 15 at 2.)

Accordingly, **IT IS RECOMMENDED** that Plaintiff's Motion for Summary Judgment be **GRANTED** (Doc. 11), and that Defendant's motion for leave to file instanter be **GRANTED**. (Doc. 15.)

**IT IS FURTHER RECOMMENDED** that the Commissioner's decision be **REVERSED** and the case **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

s/ Charles E Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: March 11, 2013

**CERTIFICATION**

I hereby certify that this Report and Recommendation was electronically filed this date and electronically served on counsel of record via the Court's ECF System.

Date: March 11, 2013

By s/Patricia T. Morris  
Law Clerk to Magistrate Judge Binder